

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-00509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.) **ORDER**
)
ATTICUS, LLC,)
)
Defendant.)

This matter comes before the Court on the Consent Motion to Seal Exhibits 19, 20 and 21 and Portions of Exhibits 4, 5, 8, and 11 to Syngenta’s Motion to Compel [DE #50] (the “Motion to Seal”).

WHEREAS, it appears to the Court that plaintiff Syngenta Crop Protection, LLC (“Syngenta”) filed herein Syngenta Crop Protection, LLC’s Motion to Compel Discovery on September 25, 2020 [DE #50] (the “Motion to Compel”); and

WHEREAS, it appears to the Court that Syngenta filed provisionally under seal Exhibits, 4, 5, 8, 11, 19, 20, and 21 to its Motion to Compel and provided notice thereof to defendant Atticus, LLC (“Atticus”); and

WHEREAS, it appears to the Court that Exhibits 19, 20 and 21 to Syngenta’s Motion to Compel contain information that Atticus believes in good faith contains highly confidential, non-public trade secret information belonging to it and/or third parties regarding the components and process steps for certain of Atticus’ products; and

WHEREAS, it appears to the Court that portions of Exhibits 4, 5, 8, and 11 also contain information that Atticus believes in good faith contains highly confidential, non-public trade

secret information belonging to it and/or third parties concerning its suppliers' methods of manufacture; and

WHEREAS, it appears to the Court that Atticus is contractually obligated to such third parties to maintain the confidentiality of their non-public, trade secret information; and

WHEREAS, it appears to the Court that Atticus has designated Exhibits 4, 5, 8, 11, 19, 20 and 21 as CONFIDENTIAL or HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY pursuant to the Protective Order entered in this case on September 15, 2020 [DE #47]; and

WHEREAS, on September 21, 2020, the Court granted on substantially similar grounds Atticus's earlier motion to protect from disclosure third parties' non-public trade secret information about their manufacturing processes and Atticus' products [DE #49]; and

WHEREAS, the public's right to access to the non-public, trade secret information in the materials in question is outweighed by the interest which the parties and non-parties claim in protecting against its public disclosure; and

WHEREAS, the Court has provided notice to the public of the Motion to Seal; and

WHEREAS, it appears to the Court that less restrictive alternatives to sealing would not be practical or adequate to preserve the confidentiality of the information in question; and

WHEREAS, it appears to the Court that Syngenta consents to the relief requested in the Motion to Seal;

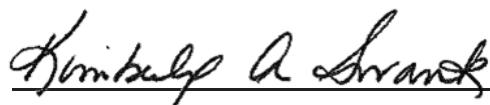
NOW, THEREFORE, upon consideration of the Motion to Seal, the memorandum in support thereof, and the entire record herein, and for good cause shown,

It is hereby ORDERED that the Motion to Seal [DE #65] is hereby GRANTED and it is FURTHER ORDERED as follows:

1. Exhibits 19 [DE #53-6], 20 [DE # 53-7] and 21 [DE #53-8] to the Motion to Compel shall be SEALED; and

2. The unredacted versions of Exhibits 4 [DE #53-1], 5 [DE #53-2], 8 [DE#53-3], and 11 [DE #53-4] to the Motion to Compel shall be SEALED, redacted copies of those exhibits having been submitted with the Motion to Seal and publicly available on the court's docket. (*See* Exs. 4 [DE #65-1], 5[DE #65-2], 8 [DE #65-3], and 11 [DE #65-4].

This the 25th day of June 2021.



KIMBERLY A. SWANK

United States Magistrate Judge